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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,912	05/23/2001	Mark Bernard Hettish	2001 P 09460 US	1627

7590   12/02/2004

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
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EXAMINER
AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 June 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1,3-16 and 18-30</u> is/are rejected.
7)☒ Claim(s) <u>2 and 17</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Response to Amendment

1.   The text of those sections of Title 35, U.S. Code not included in this action

can be found in a prior Office action.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 12-13 and 27-28 recite the limitation "heartbeat messages and

replies are automatically generated and automatically configurable". There is

insufficient antecedent basis for this limitation in the claim. Claims 12-13 should

be dependent on claim 2 and not claim 1.

Claim Rejections - 35 USC § 103

4.   Claims 1, 3-16, and 18-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Daniel, III et al (US PAT # 4,972,453) in view of the admitted

prior art.

Regarding claim 1, Daniel teaches a computing platform (computer 122,

see Fig.1, col.3, lines 19-27) coupled to the PBX switch (114 and 105 in Fig.1);

and component based interface objects (this reads on the expert system that

invokes testing procedure, see abstract) running on said computing platform and

defining properties, methods, and events, said properties, methods and events

being mapped to automatically control common paradigms.

Daniel does not specifically teach the use of a control interface for

controlling CSTA protocols. However, this feature is old and well known as

admitted in applicant's specification, page 3, lines 1-3.

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to use the old and well-known CSTA protocol in

Daniel. The use of an available protocol such as the CSTA protocol is

convenient and economical because it saves time, effort and money that may be

spent on designing a new protocol.

Claim 16 is rejected for the same reasons as discussed above with

respect to Claim 1.

Regarding claims 3 and 18, obviously the paradigms should be

configurable because Daniel's system is not meant to be fixed and permanent.

Regarding claim 4 and 19, mapping more and more events in the PBX

does not distinguish the claims from Daniel.

Claims 5 and 20 recite that "said component based interface objects is

ActiveX". This is admitted prior art, see application specification page 3, lines 3-4.

Regarding claims 6-7 and 21-22, the limitation ActiveX includes properties are mapped to session configuration is admitted prior art, see application, specification page 3, lines 3-4.

Claims 8 and 23 recite "ActiveX methods and events are mapped to startup and teardown a connection to the PBX switch". Daniel teaches Decision block 709 checks a number of special situations where stable calls could be dropped or disconnected if the diagnostic portion of PROC 620 is executed, (see col.10, lines 41-52).

Claims 9 and 24 recite "substantially all CSTA and private data fields are supported". CSTA protocol is old and well-known feature as admitted in Daniel's specification.

Claims 10-11 and 25-26 recite "invoke ID generation and timing is automatic and configurable". This is obvious because Daniel's system is not meant to be fixed and permanent.

Claims 12 and 27 recite "Heartbeat messages and replies are automatically generated". Generating automatic message reply is obvious and well known in the art.

Claims 13 and 28 recite "Heartbeat messages and replies are configurable". This is obvious because Daniel's system is not meant to be fixed and permanent.

Regarding claims 14 and 29, Daniel teaches statuses and errors are logged (this reads on the executing the diagnostic routines checking for fault conditions, see col.3, lines 23-28). Having those features logged automatically is obvious.

Regarding claims 15 and 30, Daniel teaches that statuses and errors are viewable via ActiveX property pages (this reads on block 211 in Fig.2 and col.6, lines 52-58).

Response to Arguments

5. Applicant's arguments filed 06/18/2004 have been fully considered but they are not persuasive.

Applicant argues that "Daniel is directed to an expert system for maintaining remote computer systems". This is different from the claimed invention that is directed to CSTA connected to a local PBX. Applicant's argument regarding "local connection of CSTA to a PBX" can not be found in the claims . Therefore, it seems that applicant is reading limitations into the claims.

Also, for applicant's argument that the combination of Daniel and CSTA is not properly motivated, it is further noticed that applicant is presenting individual arguments regarding Daniel's reference without looking at the combination of the rejection as a whole.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The motivation to use an old and available protocol such as CSTA is obvious. Instead of creating and testing a new protocol, simply using an old, existing and tested protocol is convenient and economical.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The

fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha Al-Aubaidi

11/16/2004

AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700